

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

11.1 ACRES OF LAND, more or less,
situate in Klickitat County, State of
Washington; and THE CAMERON
FAMILY TRUST, et al.,

Defendants.

Case No. 2:12-cv-03147-RMP

FINAL JUDGMENT APPROVING
STIPULATION OF JUST
COMPENSATION

Upon consideration of the Stipulation of Just Compensation executed by the
United States of America and all defendants herein, it is hereby ORDERED,
ADJUDGED AND DECREED that:

1. The United States filed its Complaint in Condemnation (ECF No. 1) and
Declaration of Taking (ECF No. 2), then deposited \$21,800 ("Deposit") into the
Registry of the Court on December 12, 2012 (ECF No. 5). At that time, title to the
property, as set forth in the Declaration of Taking, vested in the United States.

1 2. The subject property consists of easements over approximately 11.1 acres
2 located in Klickitat County, Washington, as more particularly described in the
3 Declaration of Taking filed herein (“subject property”). The underlying land is
4 owned in fee simple by The Cameron Family Trust.
5

6 3. In order to settle this condemnation action, the parties agree that the just
7 compensation payable by the United States for the taking of the property and estates
8 described in the Declaration of Taking filed herein (ECF No. 2), together with all
9 improvements thereon and appurtenances thereunto belonging, shall be the sum of
10 \$40,000 inclusive of interest, attorneys’ fees, and costs. *See* ECF No. 50, Stipulation
11 of Just Compensation.
12
13

14 4. Judgment shall be, and is hereby, entered against the United States in the
15 amount of \$40,000.
16

17 5. Two parties initially named in this suit, the Klickitat Public Utility District
18 No. 1 and the County of Klickitat, Washington, have disclaimed any interest in the
19 Property. ECF Nos. 45, 48, 51. As such, these parties are not entitled to any
20 distribution of the just compensation to be paid for the taking of the Property.
21

22 6. As the United States has previously deposited \$21,800 as estimated just
23 compensation, the deficiency amount between this amount and the agreed settlement
24 of \$40,000 is \$18,200. The United States shall pay into the Registry of the Court the
25

1 deficiency amount of \$18,200. Should said deposit into the Registry not be made
2 within 30 days of the entry of this order of judgment, any unpaid portion of the
3 \$18,200 deficiency shall accrue statutory interest for each day thereafter until
4 deposited.
5

6 7. The said sum of \$40,000 shall be full and just compensation and in full
7 satisfaction of any and all claims of whatsoever nature against the United States by
8 reason of the institution and prosecution of this action and taking of the said lands
9 and all appurtenances thereunto belonging.
10

11 8. The said sum of \$40,000 shall be subject to all liens, encumbrances, and
12 charges of whatsoever nature existing against the said property at the time of vesting
13 of title thereto in the United States and all such taxes, assessments, liens, and
14 encumbrances shall be payable and deductible from the said sum.
15
16

17 9. Defendant The Cameron Family Trust warrants that on the date of taking it
18 had exclusive right to the compensation herein, excepting the interest of parties
19 having liens or encumbrances of record and unpaid taxes and assessments, if any,
20 and that no other person or entity is entitled to the same or any part thereof. In the
21 event that any other party is ultimately determined by a court of competent
22 jurisdiction to have any right to receive compensation for the property taken in this
23 case, The Cameron Family Trust shall refund into the Registry of the Court the
24
25

1 compensation distributed herein, or such part thereof as the Court may direct, with
2 interest thereon calculated in accordance with the provision of 40 U.S.C. § 3116,
3 from the date of the receipt of the deposit by Defendant to the date of repayment into
4 the Registry of the Court.
5

6 10. The parties shall be responsible for their own legal fees, costs, and expenses
7 (including attorney fees, consultants' fees, and any other expenses).
8

9 11. Upon the United States depositing the deficiency into the Registry of the
10 Court, the Clerk of the Court shall, without further order of this Court, disburse to
11 Defendant The Cameron Family Trust, with check payable to:
12

13 Dunn Carney Trust Account for Kay Cameron

14 at the following address:

15 Jack Hoffman
16 Dunn Carney Allen Higgins and Tongue
17 851 6th Avenue, Suite 1500
18 Portland, OR 97204-1357

19 all sums on deposit in the Registry of the Court, together with any interest earned
20 thereon while on deposit.
21

22 **12. Following disbursement of the above sums to the Defendants, this case**
23 **shall be CLOSED.**
24
25

1 13. The Stipulated Motion for Settlement and Stipulation of Just Compensation,
2 **ECF No. 50**, is **GRANTED**.

3 The District Court Clerk is directed to enter this Order and provide copies to
4 Counsel and to Financial Specialist Sheri Wohl.
5

6 **IT IS SO ORDERED.**

7 **DATED** this 11th day of February 2014.
8

9
10 *s/ Rosanna Malouf Peterson*

11 ROSANNA MALOUF PETERSON
12 Chief United States District Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25